

MELINDA HAAG (CSBN 132612)
 United States Attorney
 ALEX TSE (CSBN 152348)
 Chief, Civil Division
 JAMES A. SCHARF (CSBN 152171)
 Assistant United States Attorney

150 Almaden Boulevard, Suite 900
 San Jose, CA 95113
 Telephone: (498) 535-5044
 Facsimile: (408) 535-5081

Attorneys for Defendant Martin Gruenberg,
 Chairman, Federal Deposit Insurance Corporation

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

ROBERT MICHAEL MILLER,

Plaintiff,

v.

SHAYNA OLESIUK, et al.,

Defendants.

No. C 13-1856 EDL

MODIFIED

STIPULATION AND ~~PROPOSED~~
 ORDER TO VACATE OR CONTINUE
 CMC PENDING ADJUDICATION OF
 DEFENDANT'S MOTION TO DISMISS

STIPULATION

Defendant Martin Gruenberg, Chairman, Federal Deposit Insurance Corporation
 ("defendant") and plaintiff Robert Michael Miller ("plaintiff") hereby jointly request the Court
 to vacate the initial case management conference set for July 23, 2013, and to re-set that
 conference, as may be necessary and appropriate, after the Court rules on defendant's pending
 motion to dismiss. The parties request this administrative relief for two reasons:

First, defendant has filed a motion to dismiss the entire action with prejudice.
 Defendant's motion to dismiss is set for hearing on August 27, 2013. Because the Court's ruling
 on defendant's pending motion to dismiss will inform and impact case management issues, the
 parties believe it will be more efficient to hold the initial case management conference once


STIPULATION AND [PROPOSED] ORDER TO VACATE OR CONTINUE CMC
 No. C 13-1856 EDL

defendant's motion to dismiss has been resolved.

Second, plaintiff has not yet served the named defendants.

DATED: July 2, 2013

MELINDA HAAG
United States Attorney


James A. Scharf
Assistant United States Attorney
Attorneys for Defendant Gruenberg

DATED: July 2, 2013


Robert Michael Miller
Plaintiff

MODIFIED

~~[PROPOSED]~~ ORDER

Good cause appearing, and pursuant to the stipulation of the parties, the initial case management conference set for July 23, 2013 is ~~vacated, with the conference to be re-set by the~~ continued to September 17, 2013, at 3:00 p.m.
A joint Case Management Conference statement shall be filed no later than September 10, 2013.
~~Court, as may be necessary and appropriate, after the Court rules on defendant's pending motion to dismiss.~~

SO ORDERED

DATED: July 15, 2013

